

COASTAL ZONE
INFORMATION CENTER

SHORELINE MASTER PROGRAM

City of Blaine

CZIC COLLECTION

JULY 5, 1977

HT
393
.W3
S56
1977

State Dept. of Ecology

COASTAL ZONE
INFORMATION CENTER

RECEIVED

JUL 14, 1977

DEPARTMENT OF ECOLOGY

Property of CSC Library

U. S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

"The preparation of this report was financially aided through a grant from the Washington State Department of Ecology with funds obtained from the National Oceanic and Atmospheric Administration, and appropriated for section 306 of the Coastal Zone Management Act of 1972."

Washington State Dept. of Ecology

JUL 10 1997

CZIC COLLECTION

HT393.W3 S56 1977

CONTENTS

	Page
1. Introduction.	1
1.1 Title.	1
1.2 Authority.	1
1.3 Scope.	1
1.4 Purpose.	1
1.5 Development within Shoreline Area.	1
2. Goals	2
2.1 Preamble and Overall Goal.	2
2.2 General Elements	2
3. Environments.	5
3.1 Urban Environment.	5
3.2 Rural Environment.	5
3.3 Conservancy Environment.	5
3.4 Natural Environment.	5
3.5 Aquatic Environment.	5
4. Use Activities: Policies and Regulations	7
4.1 Agricultural Practices	7
4.2 Aquaculture.	8
4.3 Archaeological Areas and Historic Sites.	8
4.4 Boat Ramps and Marine Railways	9
4.5 Breakwaters.	9
4.6 Bulkheads.	10
4.7 Commercial Development	11
4.8 Dredging	12
4.9 Forestry	13
4.10 Jetties and Groins	13
4.11 Landfill	13
4.12 Landscape Modification	14
4.13 Marinas.	14
4.14 Mining	15
4.15 Outdoor Advertising, Signs, and Billboards	16
4.16 Piers and Docks.	16
4.17 Port and Water Related Industry.	17
4.18 Recreation	18
4.19 Residential Development.	18
4.20 Road and Railroad Design and Construction.	20
4.21 Shoreline Protection and Restoration	21
4.22 Solid Waste Disposal	22
4.23 Utilities.	22

5.	Natural Systems Regulations.	24
5.1	Marshes, Bogs, and Swamps	24
5.2	Bars and Spits.	24
5.3	Feeder Banks.	25
5.4	Shoreline Bluffs and Steep Slopes	25
5.5	Tidelands	26
6.	Administration and Enforcement	27
6.1	Record of Exemption	27
6.2	Compliance with State Environmental Policy Act (SEPA)	27
6.3	Letter of Exemption	27
6.4	Permit Procedure.	27
6.5	Judgment Criteria for Substantial Development Permits	28
6.6	Burden of Proof	28
6.7	Shoreline Conditional Uses.	29
6.8	Shoreline Variances	29
6.9	Revisions to Substantial Development Permits.	30
6.10	Time Requirements	30
6.11	Rescission.	31
6.12	Appeals	31
6.13	Violation and Penalty	31
6.14	Nonconforming Developments.	32
7.	Amendment and Changes.	34
8.	Appendices	35
A.	Definitions.	35
B.	Citizen Involvement.	39
C.	Environments - Boundaries and Map.	41

1. INTRODUCTION

- 1.1 *Title:* City of Blaine Shoreline Management Master Program.
- 1.2 *Authority:* This program is adopted pursuant to The Shoreline Management Act of 1971. RCW 90.58
- 1.3 *Scope:* The regulations of this Master Program shall apply to all shorelines within the corporate limits of the City of Blaine.
- 1.4 *Purpose:* It is the policy of the State of Washington as expressed in the Shoreline Management Act of 1971 and the City of Blaine as expressed in this Master Program to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses, particularly uses directly dependent upon the water; to preserve to the greatest extent feasible consistent with the over-all interest of the State, the City, and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the City by preserving views and increasing public access to the shorelines; and, to manage the shorelines of the City to minimize, insofar as practical, damage to the shoreline area.
- 1.5 *Development within the Shoreline Area:* No development shall be undertaken on the shorelines of the City except those that are consistent with the policy of the Shoreline Management Act of 1971 and the goals, policies, and regulations of the City of Blaine.

No substantial development shall be undertaken in the Shoreline Area without first obtaining a Substantial Development Permit from the City in accordance with procedures in Part 6, page 27. No such permit shall be required where the Administrator determines that a development proposed in the shoreline area is not a "substantial development" as defined in Appendix A.

The City of Blaine Planning Commission is the final authority for the City of Blaine for granting Shoreline Substantial Development Permits.

note: *Definitions* are found in Appendix A, page 35.

2. GOALS

The citizens of the City of Blaine, realizing that their shorelines are a unique and finite resource, set forth the following goals as a general guide for the orderly use of their shoreline areas.

- 2.1 *Preamble and Overall Goal:* While the Blaine and Whatcom County Shoreline Master Programs regulate uses on tidelands and uplands within 200 feet of the ordinary high water mark, other actions outside shoreline jurisdiction could adversely affect the natural quality of Drayton Harbor. Inadequate sewage disposal, introduction of animal wastes, and improper application of pesticides can pollute both ground and surface water, which in turn can impair the water quality of wildlife habitats in Drayton Harbor. Urban development within the surrounding area can increase runoff entering Drayton Harbor and add sediments and pollutants to the estuary.

Accordingly, the Advisory Committee has drafted the following overall goal:

Recognizing that the natural resources and amenities of Drayton Harbor make the Blaine area a desirable place to live, the City of Blaine should regulate activities within its jurisdiction to maintain the natural quality of Drayton Harbor, and encourage other agencies with jurisdiction over activities which could adversely affect Drayton Harbor to do the same.

- 2.2 *General Elements:* The following eight general elements are types of activities related to the shoreline. All subsequent policies and regulations in this master program are derived from the goals accompanying these eight general elements.

The plan elements and goals are:

(1) ECONOMIC DEVELOPMENT ELEMENT

An element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments particularly dependent on their location on or use of the shorelines.

Goal: Assure that the economic resources within the City of Blaine are used to the fullest extent without damage to the natural shoreline environment.

(2) PUBLIC ACCESS ELEMENT

An element making provision for public access to publicly owned areas.

Goal: Acquire and maintain adequate visual and physical access to shorelines of the City of Blaine. Assure that public access meets the demand of the residents of Blaine and a reasonable number of visitors to Blaine.

(3) RECREATION ELEMENT

An element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and other recreational areas.

Goal: Provide ample recreational opportunities that are compatible with the shoreline environment for the residents of the City of Blaine and its visitors.

(4) CIRCULATION ELEMENT

An element consisting of existing and proposed major thoroughfares, transportation routes, terminals, and other public and private utilities and facilities.

Goal: Develop a convenient and diversified circulation system to move people and products efficiently. Assure that the circulation system does not disrupt the natural shoreline environment.

(5) SHORELINE USE ELEMENT

An element which considers the proposed distribution, location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land.

Goal: Assure that shoreline development is limited to those activities having a minimal adverse effect on the shoreline environment.

(6) CONSERVATION ELEMENT

An element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife.

Goal: Assure protection of those non-renewable resources within the confines of the City of Blaine and make provisions for the use of the renewable resources.

(7) HISTORICAL/CULTURAL ELEMENT

An element for the protection and restoration of building sites, and areas having historic, cultural, scientific, or educational values within the shorelines of the City of Blaine.

Goal: Preserve, protect and restore shoreline areas having historical or cultural significance.

(8) RESTORATION ELEMENT

An element for the timely restoration of shorelines blighted by pollution, by derelict, improper or abandoned development, or by hazardous features or illegal acts.

Goal: Restoration of severely blighted shorelines should be encouraged.

3. USE REGULATIONS BY ENVIRONMENT

The following section specifically outlines which use activities may take place in which environment. For detailed information on the exact boundaries on the below mentioned environments see the attached Environment Map. See Table on page 6.

3.1 URBAN ENVIRONMENT

The Urban Environment is an area of high-intensity land use, including residential, commercial and industrial development. This Environment does not necessarily include all shorelines within an incorporated city. It is limited to areas presently subjected to intensive use and to areas which will be necessary for future urban uses which would require a marine location.

3.2 RURAL ENVIRONMENT

The Rural Environment is intended to protect agricultural and open space land from urban expansion, and to restrict intensive development along undeveloped shorelines while allowing some development for the public's benefit.

The Rural Environment includes those areas characterized by open space and recreational use and areas having high potential for those uses.

3.3 CONSERVANCY ENVIRONMENT

The Conservancy Environment is intended to maintain the existing character, provide open space, and encourage pastoral and recreational uses which do not consume the area's resources.

The Conservancy Environment includes those areas that cannot tolerate intensive use and still provide high open-space yet recreational values.

3.4 NATURAL ENVIRONMENT

The Natural Environment is intended to preserve and restore those natural resource systems existing relatively free of human influence.

3.5 AQUATIC ENVIRONMENT

The Aquatic Environment is intended to regulate use of those water areas of Blaine, together with lands underlying them, which extend seaward of the ordinary high water mark to the city limits. All tidelands are included in the Aquatic Environment.

TABLE 1: USE-ACTIVITIES BY ENVIRONMENT

	URBAN	RURAL	CONSERVANCY	NATURAL	AQUATIC
4.1 Agricultural Practices		●	●	●	
4.2 Aquaculture					●
Shore-based Structures	●				
Associated Parking	●				
4.3 Archaeological Areas and Historic Sites	●	●	●	●	
4.4 Boat Ramps and Marine Railways	●				×
4.5 Breakwaters	●				×
4.6 Bulkheads	●				×
4.7 Commercial Development	●				
Associated Parking	●				
4.8 Dredging for Navigational Purposes	●				●
Deposition of Spoils Within Shoreline Area.	●	●			×
4.9 Forestry					
4.10 Jetties and Groins	●				×
4.11 Landfill as Specified in "Blaine City Waterfront Study" as Amended by "Blaine Park Plan"	●	●			●
4.12 Landscape Modification	●	●			
4.13 Marinas	●				
Associated Parking	●				
4.14 Mining					
4.15 Outdoor Advertising, Signs and Billboards	●				
4.16 Piers and Docks	●				×
4.17 Port and Water Related Industry	●				
Associated Parking	●				
4.18 Recreation	●	●	●	●	
4.19 Residential Development	●	●	●	●	
4.20 Roads	●	●	●	●	
Railroads	●	●	●	●	
4.21 Shoreline Protection and Restroation	●	●	●	●	×
4.22 Solid Waste Disposal					
4.23 Utilities	●	●	●	●	×

EXPLANATION OF SYMBOLS



PERMITTED



SHORELINE CONDITIONAL USE

MAY INTRUDE UPON AQUATIC ENVIRONMENT IF ALLOWED IN ADJOINING BACKSHORE ENVIRONMENT.

4. USE ACTIVITIES: POLICIES AND REGULATION

The following activities can occur on shorelines of the state. Policy statements have been developed for these various activities in order to insure the proper use of the shoreline. The following policy statements apply to the shorelines within the City of Blaine.

4.1 AGRICULTURAL PRACTICES

In those areas within the City of Blaine where tilling of the soil, use of herbicides, pesticides and fertilizers and the rearing of livestock occur in significant quantity, the following policy statements apply.

Policies:

- (1) *Maintain a buffer zone of natural-occurring vegetation between all tilled areas and their associated bodies of water to retard surface runoff and siltation.*
- (2) *On agricultural lands adjoining the shoreline area use only those herbicides, pesticides, and fertilizers which when properly applied have no effect on marine life.*
- (3) *Locate livestock feeding operations at such a distance from associated water bodies as to eliminate water pollution from runoff of animal feeds, manure and miscellaneous wastes.*
- (4) *Prevent livestock from using the shoreline and its associated bodies of water for watering purposes.*
- (5) *On any tilled agricultural land, follow Soil Conservation Service Guidelines which are consistent with this master program.*

Use Regulations:

1. *A buffer zone of natural-occurring vegetation shall be maintained between all cultivated and pasture areas and adjacent water bodies. This buffer zone shall be 150 feet in width.*
2. *The use of pesticides, herbicides and fertilizers which may contaminate tidelands or adjacent water bodies is prohibited.*
3. *Livestock feeding operations must use retention tanks, holding ponds or other acceptable methods to prevent runoff containing manure, feed, wastes, or other possible water pollutants from entering the adjacent water body.*
4. *Public access to the shorelines shall be encouraged and existing public access shall not be impaired.*

4.2 AQUACULTURE

Aquaculture is the culture of food fish, shell fish, or aquatic plants and animals.

The Master Program differentiates between types of structures associated with aquaculture -- (1) shore-based structures and parking; (2) structures located on or over tidelands, including buildings and such installations as dikes and weirs; and (3) watercraft such as barges and harvesting equipment.

POLICIES:

1. *Aquacultural activities should be compatible with the surrounding shoreline environment.*
2. *Consideration should be given to visual and physical access to the shoreline when locating aquacultural activities.*

USE REGULATIONS:

1. *Public access to the shorelines shall be encouraged and existing public access shall not be impaired.*
2. *Shore-based structures and parking associated with aquaculture shall be located in the Urban Environment and shall be regulated in the same manner as water-related industry. (Section 4.17)*
3. *Structures located on or over tidelands shall be temporary, prohibited from fish or shellfish habitats, and restricted to one story. (A maximum of twenty feet.)*
4. *Permanent installations such as concrete dikes are prohibited.*
5. *Harvesting of food products shall be a Conditional Use and must ensure minimum damage to the natural environment.*

4.3 ARCHEOLOGICAL AREAS AND HISTORIC SITES

Indian and pioneer villages, military forts, old settlers homes, and trails were often located on shorelines because of the proximity of food resources and because water provided a practical means of transportation. These sites are nonrenewable resources and many are in danger of being lost through changes in land use and urbanization. Because of their rarity and the education link they provide to our past, these locations should be preserved whenever possible.

POLICIES:

1. *Sites should be permanently preserved for scientific study and public observations.*
2. *Individuals should be required to notify city officials if such sites are uncovered during excavation.*

USE REGULATIONS:

1. *All shoreline permits shall contain provisions which require developers to notify local governments if any archeological artifacts or data are uncovered during excavations.*
2. *Permits issued in areas known to contain archeological artifacts and data shall require a site inspection and evaluation by an archeologist.*
3. *The National Historic Preservation Act of 1966, and Chapter 43.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of areas and structures in American and Washington State History. The regulations in these acts shall be followed.*

4.4 BOAT RAMPS AND MARINE RAILWAYS

Boat ramps and marine railways are permanent structures for launching water craft. Canoe launch sites and similar uses involving only minimal impact on the shoreline area are not considered boat ramps and are included in Use Activity 4.18, Recreation.

POLICY:

1. *Boat ramps, marine railways and other launching facilities requiring permanent structures should be sited, designed and constructed to minimize adverse effects on the shoreline.*

USE REGULATION:

1. *Marine Railways and boat ramps shall be permitted in the Urban Environment.*

4.5 BREAKWATERS

Breakwaters are structures built offshore to protect harbor areas from wave action. They are costly to build and can be either rigid or floating. Rigid breakwaters, usually constructed of riprap or rock and land-fill, have both beneficial and detrimental effects on the shore. While they reduce wave action and thus protect the back shore, they can also disrupt fish migration and block movement of beach material along the shore. Floating breakwaters overcome these problems, but are practical only at sites which do not experience extreme wave action.

POLICIES:

1. *Floating breakwaters should be encouraged.*
2. *When locating breakwaters the possible effect on public use of the water surface should be considered.*
3. *Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects on the movement of beach material, fish migration and circulation of water.*

USE REGULATIONS:

1. *Breakwaters outside Urban Environments are prohibited.*
2. *Prior to granting a permit for a breakwater the effect on adjacent properties, on water circulation, and on public use of the water surface shall be determined and shall be considered in the permit process.*

4.6 BULKHEADS

Bulkheads are wall-like structures erected at bank edge or at the "toe" of a cliff. Their purpose is to protect uplands or fills from erosion by moving water. Bulkheads have been constructed of timber and piles, reinforced concrete, rock and steel beams. The type of construction materials and the location of bulkheads are important considerations to the protection of the natural shoreline. Open piling construction helps to dissipate wave action by allowing some water to pass through.

POLICIES:

1. *Bulkheads should be constructed in a manner that will minimize alterations of the surrounding natural shoreline.*
2. *Where possible open type construction of bulkheads should be used.*
3. *Bulkheads should be used only for the purpose of protecting upland areas.*
4. *The use of natural materials should be encouraged in construction of bulkheads.*
5. *Public access to publicly owned shorelines should be considered when locating bulkheads.*

USE REGULATIONS:

1. *The construction of bulkheads shall be permitted only where they provide protection to upland facilities, not for the indirect purpose of creating land by filling behind the bulkhead.*
2. *Bulkheads shall be constructed no higher than necessary to protect adjoining property.*
3. *Prior to granting a permit for a bulkhead the effect on adjacent properties and on public access to publicly owned shorelines shall be determined and shall be considered in the permit process.*
4. *Bulkheads shall not be located seaward of the ordinary high water mark unless in conjunction with landfill which is consistent with this Master Program.*

4.7 COMMERCIAL DEVELOPMENTS

Commercial development includes wholesale and retail trade or other business activities but does not include industrial or light manufacturing uses or marinas. Because most commercial development leads to concentrations of people and traffic, it can affect the shoreline environment.

The Master Program distinguishes between marine-dependent commercial development, marine-related commercial development and commercial development such as restaurants which, while not necessarily related to the water, enable more people to enjoy the shorelines and can benefit from such location. Marine-dependent commercial developments are those which require frontage on and access to water which is navigable at low tide. "Marine-oriented" includes both "Marine-dependent" and "marine-related."

POLICIES:

1. *Shoreline locations on water navigable at low tide should be set aside for only those commercial activities which because of the nature of their business, could not locate elsewhere (marine-dependent).*
2. *Any expansion by filling of tidelands for marine-oriented commercial development should occur north of the existing U.S. Army Corps breakwater.*
3. *Commercial development for shoreline location not on water navigable at low tide should be preferred in the following order:*
 - a. *Marine-related and providing public access to the shoreline.*
 - b. *Not marine-related but enabling substantial numbers of people to enjoy the shoreline. Such uses should be designed to capitalize on the marine view.*

4. *Consideration should be given to the protection or enhancement of views and scenic vistas before new commercial structures and parking areas are constructed.*
5. *Parking areas should be located as much as possible on upland areas so as not to interfere with shoreline activities.*
6. *In areas of primarily retail activity, pedestrian traffic should be given priority over other forms of traffic.*
7. *Commercial developments should be encouraged to allow public access to the shoreline. Public access should be required for projects on publicly owned land, except when public safety is involved.*

USE REGULATIONS:

1. *Commercial developments which require direct contiguous access to the water and including restaurants, shall, except where personal safety is involved, make provision for public access along the shoreline. Wherever possible, those commercial developments shall be set back from the ordinary high water mark to provide public access. Any setback for public access shall not exceed 50 feet.*
2. *Commercial developments which do not require direct contiguous access to the water, shall be set back from the ordinary high water mark by a distance of 50 feet.*
3. *Commercial development shall not block scenic views and shall be limited to 20 feet in height within 100 feet from ordinary high water and 35 feet in height between 100 feet and 200 feet from the ordinary high water mark.*
4. *Associated parking shall be set back from the ordinary high water mark at least 50 feet and is a shoreline conditional use.*

4.8 DREDGING

Dredging is the removal of unconsolidated material (gravel, sand, silt) from the bottom of a stream, lake, bay, or other water body for purposes of deepening a navigational channel, deepening or removing sediments from a stream for drainage improvement, or obtaining bottom materials for land-fill. If not adequately regulated, dredging has the potential to cause much environmental harm.

POLICIES:

1. *Prohibit dredging except for navigational purposes.*
2. *Deposition of dredging spoils in the shoreline area shall be a shoreline condition use.*

USE REGULATION:

1. *Dredging is prohibited except for navigational purposes.*

4.9 FORESTRY

Areas suitable for commercial forestry do not exist within this jurisdiction.

4.10 JETTIES AND GROINS

Jetties and groins are offshore structures intended to control or block movement of beach material. Jetties are built at river mouths or other embayments to keep ship channels clear.

Groins are wall-like structures extending from the bank or backshore seaward across the inter-tidal foreshore. Their purpose is to divert the natural longshore movement of beach materials and cause a beach to build on drift side of the groin.

POLICY:

1. *Before locating jetties and groins the effect of these structures on the movement of sand and water, wildlife propagation and the aesthetic quality of the shoreline must be considered.*

USE REGULATION:

1. *Jetties and groins are shoreline conditional uses.*

4.11 LANDFILL

Landfill is creation of additional dry land area by depositing sand, soil, or gravel into a tideland, shoreland, marsh or swamp. Landfill can destroy the natural character of the shoreline and may create unnatural erosion and silting problems while reducing the water surface. As defined in this master program, landfill does not include backfilling associated with bulkheading to protect upland facilities, nor does it include deposition of dredging spoils or shoreline protection and restoration.

⁴POLICIES:

1. *Factors such as total water surface reduction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered before granting a landfill permit.*
2. *Landfills should be designed so as to minimize damage to the shoreline environment.*
3. *The perimeters of landfills should be contained to retard soil erosion. Containment by landscaping or gravel berms is preferred to bulkheading.*
4. *Fill material should not impair water quality.*

USE REGULATIONS:

1. *Landfill is prohibited except as outlined in the "Blaine City Waterfront Study" as amended by the "Blaine Park Plan."*
2. *Fill material shall meet the following standards:*
 - a. *It shall not contain decayable organics.*
 - b. *Concrete or rubble larger than 12 inches in its greatest dimension or reinforcing steel must be covered by a minimum of one foot of clean fill and must be set back a minimum of ten feet from the shoreline.*

4.12 LANDSCAPE MODIFICATION (Formerly Earth Change)

Landscape modification includes land clearing, landscaping, cuts and fills, and other earth moving projects. As defined it does not include installation of utilities, landfill, or deposition of dredging spoils.

POLICIES:

1. *Erosion should be minimized during construction. After construction is completed, erosion should not exceed pre-construction conditions.*
2. *After construction is completed the shoreline should be restored to its previous condition unless bulkheads or other protective structures are necessary.*

USE REGULATIONS:

1. *When no bulkheads or other protective structures are necessary or intended, the shoreline shall be kept or restored to its natural contours, slopes, and appearance.*
2. *No landscape changes that would interfere with the passage of stream waters or flood waters shall be permitted.*
3. *Land clearing shall be done in conformance with an approved erosion control and restoration plan. All material shall be burned or removed, except that earth, rocks, and the like shall be graded to the planned contour. A performance bond in the amount required for restoration shall be posted with the city.*

4.13 MARINAS

Marinas are facilities which provide storage, shelter, launching, supplies and services for pleasure craft or small commercial boats. There are two basic types of marinas: open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or landfill.) Depending upon the type of construction, marinas can severely affect fish and shellfish habitats and water quality. Marinas can also have positive or negative effects on local aesthetic values, depending upon overall design and extent of covered moorage.

POLICIES:

1. *Marinas should be restricted to the urban environment.*
2. *Construction of new marinas should take into account the possible impact on fish and shellfish resources.*
3. *To minimize accidental spillage and for the proper handling of those spills that do occur procedures for fuel handling and storage should be developed and monitored.*
4. *Marina design should take into account guidelines set forth by the Department of Fisheries and guidelines set forth by state and local health departments.*

USE REGULATIONS:

1. *Marinas are restricted to the urban environment.*
2. *Operators of proposed marinas must be able to show a County or Region wide demand for such facilities.*
3. *Covered moorage shall be restricted to 15% of the total number of slips.*
4. *Marina applicants shall follow the Washington State Department of Fisheries Criteria governing the design of marinas in formulating plans for construction.*

4.14 MINING

Mining is the removal of naturally occurring metallic or non-metallic minerals from the earth for economic use. Removal of non-metallic aggregate (sand and gravel) from shoreline areas can lead to many adverse effects.

POLICY:

1. *Mining of sand and gravel and other minerals from the shoreline area is prohibited.*

USE REGULATION:

1. *Mining of sand and gravel and other minerals from the shoreline area is prohibited.*

4.15 OUTDOOR ADVERTISING, SIGNS, BILLBOARDS

Signs are publicly displayed boards whose purpose is to provide information, direction or advertising. Signs and billboards, because they are intended to be very visible, can have a great effect on the aesthetics of an area. The following policy statements apply to all outdoor advertising, signs and billboards.

POLICIES:

1. *Prohibit off premise advertising signs and billboards within the the shoreline area.*
2. *Signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.*
3. *Neon lighting for signs within the shoreline area should be prohibited.*
4. *Building material, design, and size of signs should be compatible with the shoreline area.*
5. *Activities within commercial areas should be encouraged to use themes in the construction of their signs.*

USE REGULATIONS:

1. *Off Premise signs and billboards are prohibited.*
2. *A port directory sign is permitted near the Boat Harbor.*
3. *All other signs must conform to the City Sign Ordinance.*

4.16 PIERS AND DOCKS

A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less visual impact than those on pilings, they impede boat traffic, and can alter movement of beach material along the shore. A concentration of piers along the shore can substantially reduce the usable water surface, and interfere with or prevent public use of the water surface.

POLICIES:

1. *Open-pile piers should be restricted to those areas where they do not interfere with shoreline access and do not have an adverse effect on the area's appearance.*
2. *Whenever possible, priority should be given to community or cooperative use piers.*

USE REGULATIONS:

1. *Docks and piers are prohibited except in urban environments.*
2. *Piers and docks shall not project beyond the harbor line or significantly reduce use of the water surface.*

4.17 PORT AND WATER RELATED INDUSTRY

Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. The Master Program differentiates between those industrial activities which actually need a shoreline location and those industrial activities which do not. Ports and water-related industries have a great impact on shoreline areas and their locations and size should be carefully regulated.

POLICIES:

1. *Give shoreline priority to those industries that require frontage on water which is navigable at low tide.*
2. *Encourage cooperative use of parking and storage facilities by water-related industry.*
3. *Any expansion for water-related industry should occur north of the U.S. Army Corps breakwater and outside of Drayton Harbor.*
4. *When possible, water-related industries should not interfere with public visual and physical access to the shoreline.*
5. *Encourage the Port of Bellingham and the City of Blaine to extend leases only to those commercial and industrial uses which are marine-oriented, with the exception of restaurants.*

USE REGULATIONS:

1. *Water related industry is restricted to areas where water-related industries already exist.*
2. *Associated parking on the shoreline is a conditional use and shall include provisions for pedestrian and non-motorized vehicular circulation along the shoreline.*
3. *At the port area shoreline location along water navigable at low tide shall be limited to those industries or commercial uses requiring such frontage.*
4. *Other shoreline location in the port area shall be limited to industries and commercial developments which are marine-related but not necessarily water-dependent. Such uses shall be required to allow public access to the shoreline, unless public safety would be endangered.*

4.18 RECREATION

Recreation is the refreshment of body and mind outdoors or indoors through forms of play, sports, amusement or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. Recreation may be either active such as boating, swimming, fishing, or hunting or passive, such as enjoying the natural beauty of a shoreline, nature study, or picnicking.

POLICIES:

1. *Insure adequate publicly owned space for shoreline walking, viewing, and general shoreline enjoyment.*
2. *Encourage property owners to allow public use of their shoreline land.*
3. *In shoreline areas encourage only those recreational activities which are compatible with the shoreline environment.*
4. *Encourage private investment in recreation facilities.*
5. *Canoe launch sites and other minor recreation launching facilities should be sited, designed, and constructed with minimal adverse effected on the shoreline.*

USE REGULATIONS:

1. *Priority shall be given to recreational activities which receive the most benefit from a shoreline location. These activities would include walking, viewing, and picnicking.*
2. *Associated parking is prohibited in the shoreline area, with the exception of scenic pull-outs and view points.*
4. *Overnight camping facilities shall be located out of the shoreline area.*
6. *Recreation facilities shall not unduly burden or create conflict with adjacent shoreline uses.*

4.19 RESIDENTIAL DEVELOPMENT

Residential development refers to townhouses, apartment houses, condominiums, camping clubs, mobile home parks or residential subdivisions, and includes residences exempt from the permit system. "Developer" below refers to proponents for residential developments which require a substantial development permit.

POLICIES:

1. *Developers will be encouraged to use shoreline areas as open space.*
2. *Developers should submit plans for the control of soil erosion during construction.*
3. *Developers will be encouraged to provide public access to the shoreline within the subdivision.*
4. *Before subdivision plans will be approved, utilities should be available to the proposed construction site.*
5. *Mobile home parks should be restricted from the shoreline area.*
6. *Multi-family residential structures should be located outside the shorelines area.*
7. *Residential developments proposed for the shoreline area should be developed as planned unit developments.*

USE REGULATIONS:

1. *Setbacks from ordinary high water mark shall be 75 feet for single family and duplex dwellings and 150 feet for other multi-family dwellings.*
3. *Wherever possible the area within 200 feet of the ordinary high water mark should be used as open space to meet the subdivision regulation requirements.*
4. *Provisions for public access along the shoreline should be made by the developer.*
5. *Height limits shall be 20 feet within 100 feet from ordinary high water and 35 feet from 100 to 200 feet from ordinary high water.*

4.20 ROAD AND RAILROAD DESIGN AND CONSTRUCTION

A road is a linear passageway for motor vehicles, and a railroad is a linear passageway with tracks for train traffic. Their construction can both provide and limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters, and accelerate or retard development.

POLICIES:

1. *Whenever feasible, major highways and railroads should be located away from shoreline areas.*

2. *The impact on the natural shoreline environment should be the main consideration when designing, locating and constructing highways and railroads in the shoreline area.*
3. *Highway and road designs should make provisions in their rights-of-way for pedestrian traffic access to the shorelines.*
4. *Provisions should be made in highway and road design for scenic pull outs and view points.*
5. *Railroad construction should be limited to maintenance of existing facilities.*

USE REGULATIONS:

1. *There shall be no side-casting of excess road building material within the shoreline area, either during construction or maintenance.*
2. *Major arterials shall be prohibited in shoreline areas except where necessary to cross a body of water.*
3. *Permitted roadways shall be low speed and designed to conform to existing topography, thus minimizing cut and fill.*
4. *New railroads construction is prohibited in all environments.*

4.21 SHORELINE PROTECTION

Shoreline Protection refers to flood protection and stabilization of erosion along streamways and marine shorelines and includes rip-rapping, beach feeding, and dikes but excludes other shore defense work such as bulkheads, jetties and groins.

POLICIES:

1. *Shoreline protection measures should be designed to minimize alteration of the natural shoreline and streamway.*
2. *Shoreline protection should minimize any intrusion on tidelands.*

USE REGULATIONS:

1. *Riprapping and other bank or shore stabilization measures shall be located, designed and constructed so as to protect the natural character of the shoreline or streamway and to minimize the need for channelization.*
2. *Where flood protection measures such as dikes are planned they shall be placed landward of the shoreline, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the water body.*

3. *Flood protection measures which result in extensive modification or channelization of the streamway or shoreline are prohibited.*
4. *Restoration of shorelines shall be planned to restore as nearly as possible the natural condition of the shoreline.*

4.22 SOLID WASTE DISPOSAL

Solid waste means all discarded or spent materials other than liquids such as sewage or waste water.

POLICIES:

1. *Solid waste disposal is to be prohibited within the shoreline area.*
2. *Receptacles for litter control should be encouraged.*

USE REGULATION:

1. *Solid waste disposal sites are forbidden in the shoreline area except for litter control recepticals.*

4.23 UTILITIES

Utilities are electrical or communications systems or systems which distribute or transport items such as oil, gas, sewage or water. The installation of these systems necessarily disturbs the landscape but can be planned to have minimal visual and physical effect on the environment.

POLICIES:

1. *Multiple use corridors should be used as much as possible when locating utilities.*
2. *After installation or maintenance of utilities on shorelines, the affected area should be replanted in natural vegetation.*
3. *The location or replacement of utilities should be planned so as not to obstruct scenic views.*
4. *Where possible, utilities should be placed underground so as to not destroy the aesthetic qualities of the area.*
5. *The use of rights-of-way for public access to and along the shoreline should be encouraged.*

USE REGULATIONS:

1. *All utilities, including pumping stations, but excluding sewage treatment plants, must be located underground.*
2. *Overhead utilities shall be permitted only when and where necessary to cross a body of water.*

3. *Upon the completion of installation/maintenance projects on the shoreline, the affected area shall be restored to pre-project configuration, replanted with native or pre-existing species, and provided with maintenance care until the newly planted vegetation is established.*
4. *Water reclamation, desalinization or power plants shall not be located in the shorelines of the city. Their needs for access may be met by an underground easement to the water.*
5. *Sewage treatment plants shall be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelines.*

5. NATURAL SYSTEMS REGULATIONS

This section contains brief and general descriptions of the natural physical systems within this jurisdiction. The intent of this section is to define these systems and to outline special regulations which apply to their management.

The following regulations shall supercede the Use Regulations and shall apply to all Environments.

- 5.1 *Marshes, Bogs, and Swamps:* Marshes, bogs, and swamps are areas which have a water table very close to the surface of the ground. Formerly shallow water areas, they gradually filled through natural sedimentation. Although considered abysmal wastelands by many, these wet areas are extremely important. Many species of animal and plant life depend on this environment for existence. Wet areas are also important as ground water recharge areas and have flood control value. They should be protected from overdevelopment. The following Use Regulations apply to marshes, bogs, and swamps over $\frac{1}{2}$ acre in size.

USE REGULATIONS:

1. *Bogs, marshes and swamps shall not be drained, filled, dredged or cleared.*
2. *There shall be a minimum distance of 100 feet from the edge of up-land vegetation adjacent to a bog, marsh, or swamp where no development shall occur.*
3. *Septic tanks or drainfields should not be located within 200 feet from the edge of a bog, marsh, or swamp.*

- 5.2 *Bars and Spits:* Bars and spits are natural formations composed of sand and gravel and shaped by wind and water currents and littoral drifting. Generally a spit is formed from a headland beach (tall cliff with a curved beach at the foot) and extends out into the water (hooks are simply hook-shaped spits.) While spits usually have one end free in open water, bars generally are attached to land at both ends. These natural forms enclose an area which is protected from wave action, allowing life forms such as shellfish to reproduce and live protected from the violence of the open coast.

USE REGULATIONS:

1. *The removal of gravel, minerals, sand, or drift material from a bar or spit is prohibited except for navigational purposes.*

2. *No development or use which will interrupt the free movement of the littoral drift or alter in any way the deposition of sand, gravel and related shoreline material shall occur on a bar or spit, except at the end of drift sectors.*
3. *Dredging for navigational purposes shall not occur in the offshore area of a bar or spit nor within the littoral drift zone which feeds the bar or spit, except at the end of drift sectors. All other dredging is prohibited.*
4. *Multi-family dwellings and residential subdivisions shall be prohibited on a spit.*
5. *Wherever possible, bars, spits and their vegetation should be left in as near a natural state as can be attained.*
6. *Except for limited private parking, parking facilities shall be placed on upland areas away from bars, dunes and spits.*
7. *No shoreline protection structures of any kind will be allowed in Natural and Conservancy Environments except protective berms, beach feeding or vegetative bank stabilization when necessary to restore an eroding accretion beach or to retard erosion elsewhere.*

5.3 *Feeder Banks:* A feeder bank is a natural formation occurring along the shoreline which is subject to erosion by natural forces and which supplies sand, gravel, and other materials to the beach system and supports important spits, bars and beaches. As an important part of the natural shoreline system feeder banks must be allowed to continue their natural erosional processes.

USE REGULATIONS:

1. *Bulkheads, landfills, groins, jetties, and other development which prevent or restrict the natural erosion of a feeder bank shall be prohibited.*
2. *Developments of all types shall be prohibited from the shoreline area above and below feeder banks except where an adequate soils study indicates no adverse effect. Then they shall be processed as shoreline conditional uses.*

5.4 *Shoreline Bluffs and Steep Slopes:* A bluff is a shoreline bank or cliff with an almost perpendicular front. Bluffs can be, but need not be, feeder banks. Bluffs are almost always made up of unconsolidated material which is very susceptible to slides and erosion. A steep slope can be defined as a slope exceeding 50% and 20 feet in height.

USE REGULATIONS:

1. *Shoreline bluffs and steep slopes shall be left in their natural state.*
2. *Development within the shoreline area below or above a bluff or steep slope shall be prohibited except where an adequate soils study indicates no adverse effect. Such development shall be a shoreline conditional use.*

5.5 *Tide Lands:* Tide land is that area that exists between mean high water and mean low water.

USE REGULATIONS:

1. *Tide lands shall not be filled or diked to provide upland building sites, with the following exception:*
 - a. *That area proposed for the expanded Blaine Boat Harbor.*
2. *Tide lands shall not be dredged or otherwise disturbed, with the following exceptions:*
 - a. *That area proposed for the expanded Blaine Boat Harbor.*
 - b. *At the end of drift sectors on Semiahmoo Spit.*

6. ADMINISTRATION AND ENFORCEMENT

- 6.1 *Record of Exemption:* The Administrator shall determine whether or not a Substantial Development Permit is required. Whenever a proposed development is within the shorelines area but is exempt from the permit system, the Administrator shall record the exemption in the project's file. (See Appendix A for list of developments exempt from the shorelines permit system.)
- 6.2 *Compliance with the State Environmental Policy Act (SEPA):* Many projects which are within the shoreline area will also be subject to the State Environmental Policy Act as set forth in the City of Blaine SEPA ordinance. The Administrator will advise the applicant of procedures for compliance with SEPA.
- 6.3 *Letter of Exemption:* Whenever a project does not require a Substantial Development Permit, but is subject to a U.S. Corps of Engineers section 10 permit under the River and Harbor Act of 1899, the Administrator shall prepare a letter addressed to the applicant and the Department of Ecology exempting the project from the permit requirements of the Shoreline Management Act and the City of Blaine Master Program.
- 6.4 *Permit Procedures:*

- a. Upon determination that a substantial development permit is required the applicant shall obtain a Shoreline Management Substantial Development Application Form from the Administrator.

NOTE: If a project is not categorically exempt from SEPA, the Administrator shall give an Environmental Checklist to the applicant. After the checklist has been filled out the Director of Public Works shall determine whether an environmental impact statement (EIS) is necessary, in accordance with the City of Blaine's SEPA ordinance.

- b. When the Administrator has determined that the application has been properly prepared, he will instruct the applicant to publish notices of the application at least once a week and on the same day of the week for two consecutive weeks in a newspaper of general circulation within the Blaine area. In addition the Administrator shall post notices at the Blaine Post Office, in the lobby of Blaine City Hall, and in a conspicuous manner on the property upon which the project is to be constructed.

NOTE: For substantial developments not categorically exempt from SEPA, an application is not properly prepared until SEPA has been complied with as follows:

- (1) *If an EIS is not required, notice of the shoreline application may be published as soon as the City has issued a final declaration of non-significance.*
 - (2) *If an EIS is required, notice of the shoreline application may be published when the draft EIS is circulated. (Listed in the City's EIS Available Register).*
- c. A period of 30 days must pass from the date of last public notification before the Planning Commission can act on the application. During this 30-day period any interested person may submit his written views upon the application to the Planning Commission, or request notice of action taken upon the application. All persons submitting comments or requesting notice shall be notified in a timely manner of the action taken upon the application. A public hearing on the application may be held during this period. If a draft EIS has been prepared, the public hearing shall be held at least 35, but no later than 51 days after listing of the draft EIS in the City's EIS Available Register.
 - d. Within 60 days after this 30 day waiting period the Planning Commission must initiate its consideration of the application. The Planning Commission is the final authority for the City of Blaine concerning granting of Substantial Developments Permits.
 - e. Within five working days from the date the Planning Commission grants or denies a permit, copies of that action must be submitted to the Department of Ecology and the State Attorney General's Office.
 - f. No construction shall begin pursuant to the granting of a permit for 30 days after the state receives notice of Planning Commission action. At the termination of the State's 30-day review period, unless an appeal has been filed, the Administrator shall notify the applicant that construction pursuant to the permit may commence,
- 6.5 *Judgment Criteria for Substantial Development Permits:* A Substantial Development Permit shall be granted only when the development proposed is consistent with the policies and procedures of the Shoreline Management Act and the City of Blaine Master Program.
 - 6.6 *Burden of Proof:* Applicants for substantial development permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit the person requesting the review shall have the burden of proof.

- 6.7 *Shoreline Conditional Uses:* The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Master Program. Shoreline conditional uses are specifically described in the Master Program.

Shoreline Conditional uses will be granted only after the applicant can demonstrate all of the following:

- a. The use will cause no unreasonably adverse effects on the environment or other uses.
- b. The use will not interfere with public use of public shorelines.
- c. Design of the site will be compatible with the design and appearance of surrounding uses.
- d. The proposed use will not be contrary to the general intent of the Master Program.

The Planning Commission Shoreline Sub-committee shall review conditional uses and make recommendations to the Planning Commission. Whenever an EIS has been prepared for a substantial development application, the conditions shall attempt to incorporate measures for mitigating adverse impacts identified in the EIS.

- 6.8 *Shoreline Variances:* Variance deals with specific requirements of the master program and its objective is to grant relief when there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the master program. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for variance. A variance will be granted only after the applicant can demonstrate the following:

- a. The hardship which serves as basis for granting of variance is specifically related to the property of the applicant.
- b. The hardship results from the application of the requirements of the act and master program and not from, for example, deed restrictions or the applicant's own actions.
- c. The variance granted will be in harmony with the general purpose and intent of the master program.
- d. Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.

The Planning Commission Shoreline Sub-committee shall review variances and make recommendations to the Planning Commission.

6.9 *Revisions to Substantial Development Permits:* When an applicant seeks to revise a substantial development permit, the applicant shall submit detailed plans and text describing the proposed changes in the permit.

- (1) If the Administrator determines that the proposed changes are within the scope and intent of the original permit, he shall approve a revision. The revised permit shall become effective immediately. The approved revision along with copies of the revised site plan and text, should be submitted by certified mail to the appropriate department of ecology regional office, the attorney general, and to persons who have previously notified local government relative to the original application. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within 15 days from date of certified mailing. The party seeking review shall have the burden of proving the revision granted was not within the scope and intent of the original permit.
- (2) If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new substantial development permit in the manner provided for herein.

6.10 *Time Requirements:* The following time requirements shall apply to all substantial development permits and conditional uses and variances:

- (1) Construction or substantial progress toward construction of a project for which a permit has been granted must be undertaken within two years after the approval of the substantial development permit. Substantial progress towards construction shall include, but not be limited to the lettering of bids, making of contracts, purchase of materials involved in development, but shall not include development or actions which are not consistent with the permit. In determining the running of the two-year period, the time during which a development was not actually pursued by construction and the time during which pending litigation reasonably related thereto delayed construction shall not be included. The Planning Commission may, at its discretion, extend the two-year time period for a reasonable time if the applicant has not been able to obtain expeditiously other governmental permits which are required prior to the commencement of construction.
- (2) If a project for which a permit has been granted pursuant to the act has not been completed within three years after the approval of the permit by the Planning Commission, the Planning Commission shall, at the expiration of the three-year period, review the permit, and upon a showing of good cause, do either of the following:
 - (a) Extend the permit for one year; or
 - (b) Terminate the permit,(provided that nothing herein shall preclude local government from issuing substantial development permits with a fixed termination date of less than five (5) years.)

6.11 *Recission:* Any substantial development permit may be rescinded by the Planning Commission upon finding that the permittee has not complied with conditions of the permit.

6.12 *Appeals from Granting or Denying a Permit:*

- a. Any person aggrieved by the granting or denying of a permit on the shorelines of the City may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the hearings board as provided in this section pertaining to a final order of the City of Blaine, the requestor shall file a copy of his request with the Department of Ecology and the Attorney General's Office. If it appears to said department or the Attorney General that the requestor has valid reasons to seek review, either the department or the Attorney General may certify the request within thirty days after its receipt to the shorelines hearings board following which said board shall then, but not otherwise, review the matter covered by the requestor: Provided, that the failure to obtain such certification shall not preclude the requestor from obtaining review otherwise available to the requestor. The Department of Ecology and the Attorney General may intervene to protect the public interest and insure that the provisions of the Shoreline Management Act are complied with at a time within thirty days from the date of the filing of said copies by the requestor.
- b. The Department of Ecology or the Attorney General may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by the City of Blaine by filing a written request with the Shorelines Appeals Board and the City of Blaine within thirty days from the date the final order was filed as provided in subsection (5) of RCW 90.58.140.
- c. The review proceedings authorized by subsection (a.) and (b.) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

6.13 *Violation and Penalty:*

- a. Any permit may be rescinded by the City upon the finding that a permittee has not complied with conditions of a permit.
- b. The State Attorney General or the City Attorney for the City of Blaine shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines in conflict with the provisions and programs of the Shoreline Management Act and Master Program, and to otherwise enforce the provisions of the Act and Master Program.

- c. In addition to incurring civil liability under Subsection (b) of this section, any person found to have willfully engaged in activities on the shorelines in violation of the provisions of the Shoreline Management Act or Master Program shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, that the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars.
- d. Any person subject to the regulatory program of the Shoreline Management Act or Master Program who violates any provision of the Act or Master Program or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The State Attorney General or City Attorney shall bring suit for damages under this section on behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

6.14 *Nonconforming Developments:* All developments lawfully erected, installed and maintained in a lawful condition prior to the effective date of the Master Program and the developments in the process of being lawfully established prior to the effective date of the Master Program, and all developments which hold a valid Shoreline Management Substantial Development Permit approved prior to the effective date of the Master Program, but which do not conform to the regulations contained herein, shall be considered nonconforming developments.

Nonconforming developments may continue to exist or be completed according to the following provisions:

- a. Nonconforming developments may be remodeled or renovated provided such alterations do not contribute to additional adverse effect on the shoreline area.
- b. Nonconforming developments which are destroyed beyond 50% of their value shall not be restored except in conformance to regulations contained in the Master Program.

- c. When a nonconforming development is remodeled or renovated, it shall meet all applicable regulations of the Master Program except that which makes it nonconforming.
- d. A structure containing a non-conforming use may be enlarged if the additional space is for a use activity which conforms to the Master Program. Use of the enlarged area shall remain in conformance with the Master Program.

7. AMENDMENTS AND CHANGES OF ENVIRONMENT DESIGNATIONS

- a) The City Council may, upon its own motion and after review and recommendation of the Planning Commission, amend, supplement, change or repeal by ordinance any of the provisions, Shoreline Area Designation boundaries or Shoreline Area classifications herein established.
- b) An amendment or change in Shoreline Area Designation may be initiated by the Planning Commission upon its own motion, or by any person upon proper petition, or by the motion of the City Council whose action shall be referred to the Planning Commission for recommendation.
- c) The Planning Commission shall hold at least one public hearing on any proposed amendment or change in Shoreline Area Designation prior to taking action on the matter. The hearing shall be held not less than ten (10) days nor more than thirty (30) days following the filing of the petition on the receipt of the City Council motion initiating the action.

The Administrator, or authorized representative, shall make an investigation and a written recommendation on each proposed amendment or change in Shoreline Area Designation to the Commission. Such recommendation shall become part of the official record.

The Planning Commission shall make its findings, decision and recommendation on each proposed amendment or change in Shoreline Area Designation within thirty (30) days following the termination of the public hearing. In the event the Planning Commission does not reply within the specified time limit, it shall be deemed that the Planning Commission has approved the proposed amendment or change in Area Designation. The decision of the Planning Commission shall be transmitted to the City Council within ten (10) days following the date of such action.

- d) After holding a public hearing to consider the findings and recommendations of the Planning Commission, the City Council shall have the authority to confirm, alter or modify any of the Planning Commission's recommendations or decisions.
- e) All amendments or changes in Shoreline Area Designations must be submitted to the Department of Ecology for approval or disapproval.

APPENDIX A: DEFINITIONS

ADMINISTRATOR - The person who is responsible for issuing Shoreline Use Permit Applications, inspecting project sites and making recommendations to the planning commission. This person shall be the same person now known as the Building Inspector.

ACT - Means the Shoreline Management Act of 1971, Chapter 90.58 RCW.

AQUACULTURE - Means the culture or farming of food fish, shellfish or other aquatic plants and animals for human consumption.

"BLAINE CITY WATERFRONT STUDY" AS AMENDED BY "BLAINE PARK PLAN" - refers to the revised City of Blaine policy regarding potential expansion of the Blaine Boat Harbor, adjoining marine commercial area and related waterfront park location. The purposes of the policy are to protect the natural quality of Drayton Harbor estuary, to improve public access to the shoreline, and to provide for future marine-oriented industrial and commercial expansion. The plan would create a waterfront park on the south side of the U.S. Army Corps breakwater and direct any marine industrial or commercial expansion to the north out of Drayton Harbor.

DEPARTMENT - The Department of Ecology.

DEVELOPMENT - Means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving or piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the shoreline.

DIKE - An embankment usually placed within or near the edge of a flood plain to protect adjacent lowlands from flooding.

DIRECTOR - Means the Director of the Department of Ecology.

DREDGING FOR NAVIGATIONAL PURPOSES - Means dredging operations required for maintaining or improving public or commercial facilities requiring boat access; or dredging operations required for opening access to approved new public or commercial facilities.

DUNE - Means a hill or ridge of sand forming along the shoreline by wind.

ESTUARY - Means that area in the marine environment where freshwater and salt-water mix.

EXTREME LOW TIDE - Means the lowest line on the land reached by a receding tide.

FLOOD PLAIN - Means a plain area bordering a river or shoreline which is subject to inundation by the rising river or sea.

HEARINGS BOARD - Means the Shoreline Hearings Board established by RCW 90.58.

LITTORAL DRIFT - Means the movement of gravel and sand along a seashore due to the waves advancing obliquely up the beach.

MARSH - Means a tract of soft, wet land usually low-lying and partly or completely underwater.

MASTER PROGRAM - Means the comprehensive shoreline use plan for the City of Blaine and the Use Regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020.

NATURAL SYSTEMS - Means flora, fauna, physical forms and natural forces of climate, wind and water that affect and are affected by each other.

NON-CONFORMING USE - Means those uses that do not conform to the given environmental designation.

ORDINARY ANNUAL HIGH WATER MARK - Means the mark on all streams and tidal waters will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on June 1, 1971, or as it may naturally occur change thereafter: Provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water. which

SHORELINES OR SHORELINE AREA - Means all of the water areas within the incorporated area of Blaine and their associated wetlands together with lands underlying them; except shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments.

SPIT - means a natural formation composed of sand and gravel which is low lying and attached to land at one end.

STREAMWAY - The channel or channels that contain the mean annual high water flow. The streamway is measured from outside edge to outside edge.

SUBSTANTIAL DEVELOPMENT - Means any development of which the total cost or fair market value, exceeds \$1,000.00 or any development which materially interferes with normal public use of the water or shorelines, except that the following shall not be considered substantial developments:

- a) Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements,
- b) Construction of the normal protective bulkhead, common to single-family residences,

- c) Emergency construction necessary to protect property from damage by the elements,
- d) Construction of a barn or similar agricultural structure on wetlands,
- e) Construction or modification of navigational aids, such as channel markers and anchor buoys,
- f) Construction on wetlands by an owner, lessee or contract purchaser, or a single-family residence, for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirement of the state agency or local government having jurisdiction thereof,
- g) Construction of a dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed \$2,500,
- h) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands,
- i) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water,
- j) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system,
- k) Any project with a certification from the governor pursuant to chapter 80.50 RCW,
- l) No permit shall be required under chapter 90.58 RCW for the construction of up to 500 feet of one and only one road or segment of a road, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of 90.58 RCW. Nothing in this sub-section shall add to or diminish the authority of the shoreline management act regarding road construction except as specifically provided herein. The provisions of this sub-section shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW.

SWAMP - A tract of low-lying land which is saturated with moisture and usually overgrown with vegetation.

VIEW - A broad scene of the landscape observed from a given vantage point.

VISTA - A confined view such as may occur by looking through a window, tunnel or framed by vegetation and/or structures.

WETLANDS - Means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the river or stream.

APPENDIX B: CITIZEN INVOLVEMENT

ORIGINAL COMMITTEE WORK:

The Blaine Shoreline Management Citizens Advisory Committee was formed in July, 1973. The following members were appointed by the Mayor.

Elsie Heinrick, Chairperson

Reg Campin

Bob Drake

Murray Goff

Alma Wagner

Don Walter

Eythor Westman

The Citizens' Advisory Committee has held eighteen meetings in the course of developing the Master Program. The Committee held meetings on the below listed dates:

<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
August 22, 1973	7:30PM	Blaine, City Hall
August 29, 1973	7:30PM	Blaine, City Hall
September 6, 1973	7:30PM	Blaine, City Hall
September 26, 1973	7:30PM	Blaine, City Hall
October 10, 1973	7:30PM	Blaine, City Hall
October 24, 1973	7:30PM	Blaine, City Hall
November 15, 1973	7:30PM	Blaine, City Hall
November 29, 1973	7:30PM	Blaine, City Hall
January 10, 1974	7:30PM	Blaine, City Hall
June 6, 1974	7:30PM	Blaine, City Hall
November 4, 1974**	7:00PM	Blaine, City Hall
November 9, 1974	9:00AM	Blaine, City Hall
November 18, 1974	7:00PM	Blaine, United Church of Christ
November 25, 1974	7:00PM	Blaine, United Church of Christ
December 7, 1974	9:00AM	Blaine City Hall
January 20, 1975**	7:00PM	Blaine City Hall
February 6, 1975	7:00PM	Blaine City Hall
March 17, 1975**	7:00PM	Blaine City Hall

The majority of the meetings listed above were public meetings, meeting the requirements of the Act.

**Advertised Public Hearing

PROGRAM REVISION:

The Advisory Committee was reactivated to revise the Master Program under a 1976 contract with the Department of Ecology. The following members were appointed by the Mayor:

Alma Wagner, Chairperson

Reg Campin

Jim Eames

Roy Foster

Helen Harmon

Elsie Heinrick

Gary Mann

Carl Reichardt

Bev Kittel, Secretary

The committee held ten meetings on the shoreline revisions, all at City Hall:

August 30, 1976

September 16th & 30th, 1976

October 14th & 28th, 1976

February 14, 1977

March 3rd, 17th, 24th, 31st, 1977

Master Program Revisions were adopted by the committee on March 31st. The Planning Commission held a public hearing April 20th and conducted several work sessions. The Planning Commission recommended approval of the Master Program on May 18th and the City Council approved the revised program on July 5, 1977, after an information meeting with the Planning Commission and discussion at a June Committee of the whole meeting.

APPENDIX C: ENVIRONMENTS

- NATURAL - From point where spit abuts upland to point where Semiahmoo Spit is 450' wide (ordinary high water mark) on both sides of Semiahmoo Spit. (section 2 to 3 and 6 to 7 on map).
- Spit in mouth of Dakota Creek.
- CONSERVANCY - From Western City Limits on Birch Point to point where Semiahmoo Spit abuts uplands (section 1 to 2 on map).
- From point where Semiahmoo Spit abuts uplands inside Drayton Harbor to Eastern City Limits on Birch Point (section 7 to 8 on map).
 - From West edge of Pike Street right-of-way to Intersection of Burlington Northern right-of-way (section 11 to 12 on map).
- RURAL - From West edge of Pike Street Right-of-Way to East City Limits including both sides of Dakota Creek between Burlington Northern right-of-way and I-5 (section 12 to 13 on map).
- RURAL/URBAN - From point where Semiahmoo Spit is 450' wide north to a line running North Westerly to South Easterly along part of which line runs a section of road to a bathhouse, picnic area on both sides of Semiahmoo Spit (section 3 to 4 and 5 to 6 on map). Rural is first 100 feet back from ordinary high water mark. Urban is from 100 feet to 200 feet back from ordinary high water mark.
- From intersection of Burlington Northern right-of-way to shore end of breakwater below Martin Street right-of-way. (section 10 to 11 on map.) Dividing line between Rural and Urban is center of Burlington Northern mainline tracks. West of tracks is Rural; east of tracks is urban.
- URBAN - Tip of Semiahmoo Spit from a line running North Westerly to South Easterly along part of which line runs a section of road to a bathhouse, picnic area, to the North end of the Spit, (section 4 to 5 on map).
- From North City Limits to shore end of breakwater below Martin Street right-of-way. (section 9 to 10 on map).
- AQUATIC - Those water areas of Blaine, together with lands underlying them, which extend seaward to the ordinary high water mark to the city limits. All tidelands are included in Aquatic Environment. Exception: water area and underlying land within port area breakwater is in Urban Environment.

